

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45791 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- BUDHUCHAK District- Bhagalpur

1. MD. SAJID @ SK. SAJID Son of Sk. Ushaman Resident of Village - Kisan - Daspur (Madarsa Tola), P.S.- Budhuchak, District - Bhagalpur.
2. Md. Wajid @ Sk. Wajid Son of Sk. Ushaman Resident of Village - Kisan - Daspur (Madarsa Tola), P.S.- Budhuchak, District - Bhagalpur.
3. Md. Chand @ Sk. Chand Son of Sk. Ushaman Resident of Village - Kisan - Daspur (Madarsa Tola), P.S.- Budhuchak, District - Bhagalpur.
4. Md. Shahan Shah @ Sk. Shahan Shah Son of Md. Samsad Resident of Village - Kisan - Daspur (Madarsa Tola), P.S.- Budhuchak, District - Bhagalpur.
5. Sk. D.M. @ Md. Gufran Son of Md. Samsad Resident of Village - Kisan - Daspur (Madarsa Tola), P.S.- Budhuchak, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K Agrawal, Sr. Adv Mr. Kumar Rajdeep, Adv Mr. Arvind Kumar, Adv
For the Opposite Party/s	:	Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-12-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek regular bail in connection with Budhuchak P.S. Case No. 20 of 2022 registered for the offences punishable under Sections 147, 149, 341, 323, 325, 307, 354 (B), 379, 504,

506, 448 and 302 of the Indian Penal Code.

As per the prosecution, the informant and his son were assaulted by these petitioners by means of *Lathi, Danda, Iron Rod* over a land dispute between both the parties.

The main submissions advanced by learned senior counsel Mr. N.K Agrawal, appearing for the petitioners are that all the petitioners have fair and clean antecedent, against them there is no specific allegation and the petitioners had not assaulted the informant's son Md. Sahbaj and there is specific allegation of assaulting the informant's son against the co-accused Md. Shamshad who himself died during the course of treatment and in actual the prosecution party assaulted Md. Shamshad and others for which Budhuchak P.S. Case No. 21 of 2022 was lodged and all these petitioners have been languishing in jail since 03.05.2022 and the persons from prosecution side were aggressors and several disputes are stated to be the genesis of the occurrence.

Learned APP Mr. Tarun Prasad Mandal, appearing for the State has opposed the prayer for bail.

Having regard to the facts and circumstances of this case, considering the above submissions and mainly the facts that in between both the parties there is a case and counter-case,

all the petitioners have clean antecedent and against the petitioners there is no specific allegation to have assaulted the deceased and from the petitioners’ side one person also died, in the opinion of this Court petitioners deserve to a lenient approach of this Court. Accordingly, let the petitioners be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Budhuchak P.S. Case No. 20 of 2022.

(Shailendra Singh, J.)

maynaz/-

U		T	
---	--	---	--